
TITLE 327 WATER POLLUTION CONTROL DIVISION

Proposed Rule
LSA Document #16-4

DIGEST

Amends [327 IAC 5-17-11](#) concerning the definition of "interference" as it relates to pretreatment discharge to a publicly owned treatment works (POTW). Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: January 13, 2016, Indiana Register (DIN: [20160113-IR-327160004FNA](#)).

Second Notice of Comment Period: April 13, 2016, Indiana Register (DIN: [20160413-IR-327160004SNA](#)).

Notice of First Hearing: April 13, 2016, Indiana Register (DIN: [20160413-IR-327160004PHA](#)).

Date of First Hearing: August 10, 2016.

PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#), until the board has conducted a third comment period that is at least 21 days long. Because this proposed rule is not substantively different from the draft rule published on April 13, 2016, at DIN: [20160413-IR-327160004SNA](#), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from April 13, 2016, through May 13, 2016, on IDEM's draft rule language. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On August 10, 2016, the Environmental Rules Board (board) conducted the first public hearing/board meeting concerning amendments to the definition of "interference" at [327 IAC 5-17-11](#). Comments were made by the following parties:

Bill Beranek (BB)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: Commenting for the petitioners who requested that the board direct IDEM to start a rulemaking to revise the definition of "interference" at [327 IAC 5-17-11](#) to be consistent with the federal definition at 40 CFR 403.3(k), the commenter agreed that the drafted rule before the board for preliminary adoption achieved the revision as requested and recommended adoption of the rule as drafted. (BB)

Response: The board preliminarily adopted the rule as drafted by IDEM.

[327 IAC 5-17-11](#)

SECTION 1. [327 IAC 5-17-11](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 5-17-11](#) "Interference" defined

Authority: [IC 13-14-8](#); [IC 13-15-1-2](#); [IC 13-15-2-1](#); [IC 13-18-2](#); [IC 13-18-3](#)

Affected: [IC 13-11-2](#); [IC 13-13-5-1](#); [IC 13-18-4](#)

Sec. 11. (a) "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, ~~does one (1) of the following:~~ (1) inhibits or disrupts the: POTW, its

(1) treatment processes or operations; its

(2) sludge processes; or its

(3) selected sludge:

(A) use; or

(B) disposal methods;

of a POTW.

(b) The inhibition or disruption under subsection (a) must:

~~(2) Causes (1) cause~~ a violation of any a requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation; or

~~(3) Prevents (2) prevent~~ the use of the POTW's sewage sludge or its sludge disposal method selected in

compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:

- (A) Section 405 of the Clean Water Act (33 U.S.C. 1345).
- (B) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:
 - (i) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and
 - (ii) the rules contained in ~~any~~ a state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).
- (C) The Clean Air Act (42 U.S.C. 7401).
- (D) The Toxic Substances Control Act (15 U.S.C. 2601).

(Water Pollution Control Division; [327 IAC 5-17-11](#); filed Oct 10, 2000, 3:02 p.m.: 24 IR 294)

[Notice of Public Hearing](#)

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